IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 488 OF 2003

The State of Maharashtra ..Appellant

Vs.

Rambahadur Tejbahadur Vishvakarma
and ors. ..Respondents

Mr. K.V. Saste, APP for appellant-State.

CORAM: B.H. MARLAPALLE & R.S. MOHITE,JJ.

Date : February 21, 2007.

P.C.:

1. Heard Mr. Saste, the learned APP for appellant-State. The respondents were tried in Sessions Case No. 1438 of 1998 and case to be acquitted by the learned Additional Sessions Judge, Greater Mumbai for the offences punishable under Sections 392, 397 and 452 read with Section 34 of IPC as well as Section 135 of the Bombay Police Act. Hence this appeal under Section 378 (1) of the Cr.P.C. against the said judgment and order of acquittal.

2. With the help of the learned APP we have gone

through the reasoning set out by the learned trial Judge in support of the order of acquittal. The identity of the accused as disclosed through PW 1 in the open court did not inspire confidence for the reasons noted by the trial court and in addition, the recovery of the weapons could not be proved. We are satisfied that these findings do not require any reconsideration by us and more so when the reasoning set out by the trial court cannot be termed as perverse.

3. Hence the appeal is rejected.

(R.S. Mohite, J.) **(B.H. Marlapalle,J.)**